

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 61 OF 2015

Gokuldharm Residents Welfare Association
Sector-I.

.. Petitioners

V/s

The State of Maharashtra & Ors.

.. Respondents

Mr. Sujit Kurup i/b Kurup Shivaji & Co. for the petitioners.

Dr. Milind Sathe, Senior Advocate with Mr. D.V. Deokar, Mr. Pinakin Modi and Mr. Subodh Joshi i/b Parimal K. Shroff & Co. for respondent no.5.

Ms. Jyoti Sinha i/b Negandhi Shah & Himayatullah for respondent no.4.

Ms. Shobha Ajithkumar for the respondent Corporation.

Mr. Milind More, AGP for the State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 17th NOVEMBER 2016

P.C.:

Learned counsel for the petitioner submits that the present PIL is only second in the series and ninth one as stated out by the learned counsel for the party respondent no.5.

2. According to the petitioners, in terms of para 2 of the PIL petition if read along with para 8 onwards and the order in earlier public interest litigation dated 17th November 2011, his only

grievance is with regard to non-compliance of the direction by the 5th respondent with regard to reservation indicated in paras 2 and 4 of the said order at Exhibit “A”. He also contends that in spite of taking extension of time by order dated 13th December 2012 as per Exhibit “B”, they have not complied with the undertaking so far.

3. If the entire public interest litigation in the present petition is pertaining to non-compliance with the directions referred to in the above two orders, we fail to understand how another public interest litigation is maintainable. The petitioners' counsel read to us the last sentence in the abovesaid order of 2011 indicating the liberty reserved to him. We are of the opinion the liberty to be exercised by the petitioners cannot be second public interest litigation. Therefore, we dispose of the PIL reserving liberty to the petitioners to take appropriate and suitable action for non-compliance of directions strictly in accordance with law.

(M.S. SONAK, J.)

CHIEF JUSTICE